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THE LAW OF THE CITY PLAN

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THE LAW OF THE CITY PLAN

ADVANTAGES OF CITY PLAN

If intelligent and careful planning is necessary to the attainment of economy and efficiency in construction of any sort—and it will scarcely be asserted that they are mere matters of luck—it follows that the more complicated and extensive that construction is, the more essential it is that it should be planned. A city is a huge agglomeration of social and economic interests, under many independent heads, each seeking, through the city government, its expression in the physical life of the locality. The aim of that city government should be to harmonize these interests in the unity of the locality, as the only method of giving the greatest expression to each of these interests that is compatible with the fullest expression of the interests of all. Evidently here is an enterprise, extensive and complicated beyond any private undertaking, supremely in need of the guidance of a plan.

Self evident truths are usually difficult to prove. Such truths, while often ignored, are seldom denied, but may with profit be illustrated. The advantages of a city plan are so well stated by Nelson P. Lewis, Esq., chief engineer of the board of estimate and apportionment of the City of New York, and president of the National Conference on City Planning and the American City Planning Institute, in his book entitled "The Planning of the Modern City"¹ that we cannot do better than quote him for that purpose. In his chapter on "The Economic Value of a City Plan," Mr. Lewis says:

¹ John Wiley and Sons, Inc., New York, 1916.

It may not be possible to express the advantages of a good city or town plan in money. Mr. John Burns, who may be called the father of city planning legislation [in England] has said that investment in a good plan, whether it be for new parts of a city or for the correction of older parts, if regarded for a period of a year, may appear expensive; if considered for a period of five years it will be profitable; when considered for a period of fifty years it will be an investment which in subsequent days will make the community regret that it did not adopt it sooner. Mr. Burns further notes that the neglected hamlets of a hundred years ago are the squalid industrial towns and cities of to-day, and he pleads that we so arrange the physical life of a hamlet, village, town or city that it can grow naturally and at each stage avoid the cost, nuisance, ugliness and squalor which one sees wherever a town encroaches on the country.

Instances may be cited [continues Mr. Lewis] where towns have grown very rapidly and have developed into great commercial and industrial cities, although their plans violate almost every principle laid down by city planning authorities. Their growth, however, has been due to certain natural advantages and to the general development and prosperity of the districts tributary to them, and they have grown in spite of the handicap of a poor plan. When its defects and the embarrassment to business due to them become apparent, vast sums are often spent to cure the defects which might have been discovered and avoided had sufficient study been given to the plan when it was first under consideration, and the increased cost of doing business for a period of years and the large sums spent in the correction of the plan might have been saved. The cost of reconstruction has run far into the millions in nearly every large city except Washington, which was so planned as to provide for future growth. To give figures for different towns is unnecessary, but the total would be staggering.

Of the efforts to estimate with anything like precision the economic value of a city plan, Mr. Lewis says:

It is very difficult to capitalize the advantages of any improvement or betterment which is for the free use and benefit of the general public. It may be possible to estimate the pecuniary loss suffered by individuals, by groups of individuals or by corporations through delays and the increased expenses which are due to a bad plan.

Estimates could be presented which have doubtless been made with care . . . but those who have made them have been so intent upon making a case that other contributing causes may have been lost sight of. Even if due allowance is made for such omissions, the preponderance of evidence is so great that the general conclusion must be admitted to be sound. It is quite obvious, for instance, that if goods are to be moved from one point to another, and it be necessary in doing so to follow two sides of a triangle instead of traveling along the hypotenuse, there is a loss of time and an increase in cost.

To compute the delays which occur to traffic and apply them to the hourly expense of a team and driver and to argue that each team would have accomplished so much more during the working day is to neglect the personal equation of the driver and the improbability of his or his team's disposition or capacity for a sustained maximum effort during the entire working day.

When an attempt is made to estimate the value to the city or the state of the more robust and vigorous manhood and womanhood which would result from better living and working conditions, and the consequent saving in the annual budget for charities and the maintenance of order, we are again dealing with something which we know to be of enormous advantage, but which can scarcely be expressed in dollars and cents.

Such estimates, if not mathematical demonstrations, are nevertheless an aid in grasping the undeniable facts of the case. With this object in view Mr. Lewis points out that:

If a million passengers are carried by surface railways or omnibuses each day—and this number is greatly exceeded in several large cities—and if the loss in time due to traffic congestion through inadequate street capacity averages ten minutes a day, the total loss of time would be equivalent to 20,833 working days of eight hours each. If the average pay of those who were subjected to this delay is assumed to be

\$3, and if but one half of this time is a loss to their employers, the total loss in productive work during a year of 300 working days would be \$9,375,000, to say nothing of the loss of efficiency by reason of worry and wear and tear in reaching their places of employment. This would represent 5 per cent on \$187,500,000. If in this same city there were 60,000 horse and motor trucks that are subject to an average delay of half an hour a day, and if they represent a cost of \$5 for a day of eight hours, their loss in time, all of which would fall upon the employer or owner, would represent a value of \$5,625,000 during a year of 300 working days which is equivalent to 5 per cent on another sum of \$112,500,000. It may be argued that the expenditure of \$300,000,000 would be justified if these losses could be eliminated.

While such arguments [continues Mr. Lewis] are of little real value, they are frequently used; but why try and prove by figures something which is so evident that it cannot be gainsaid? If improvements to correct such defects and do away with such delays were not worth while, why are they so frequently undertaken? Why, also, is it that the cities which have the courage to undertake them are those which are conspicuous for their rapid increase in population and wealth? What induced them to undertake such great and costly improvements? . . . It was because they found that it paid in the case of other improvements and believed that it would pay again. Did Paris make a good investment when it expended hundreds of millions of francs in beautifying the city and making it a more attractive and beautiful place in which to live and do business? Ask the Parisians and see. Ask them also what prompts them to consider further great undertakings of this kind, unless it is due to the beneficial results of those carried out under Haussmann.

In the same way, Mr. Lewis points out, the vast improvements in German, English, Scotch, South American, Canadian, and our own greatest and most prosperous cities, have justified themselves with the people who have paid for them; and he points his moral as follows:

But why continue to put questions, the answers to which are self evident? Yes, a good city plan pays. The benefits . . . are quite ap-

parent and every town which has tried to improve its plan seems satisfied that it has done a wise thing and would not go back to its old conditions. . . . How much better then if this enormous cost of rearrangement could have been avoided by a more careful study of the plan when it was first worked out. That would be constructive city planning, the advantages of which cannot be computed in money but which can readily be realized when we consider the enormous expenses which have been incurred by cities where this preliminary study was not given and where the corrections had to be made at a subsequent time.

WHAT PLAN SHOULD CONTAIN

Since the aim of city planning is the attainment through unity of efficiency and economy in city construction, there must be in all the steps of that construction a plan, in outline at least, of the city as a whole, to which any part of that planning, however small, shall relate to be followed from time to time by the planning of details, extensions, and such modifications of existing features as unforeseen changes or further experience and study seem to dictate.¹

The complexity of city life being great, the factors in its physical development are numerous. In order to secure unity, the plan of the city should include and harmonize as many as

possible of these factors, public, semi-public and private whether within the legal limits of the city or outside them, if near enough materially to affect the city or be affected by it; such as the street system, the water front and its improvements, the parks and other open spaces, the public and semi-public buildings and their sites, the transportation systems, local and long distance, with their freight and passenger stations and terminals, the gas, water, electric, and similar public utility systems, the subdivision of building land and the height, area with relation to the size of lot and use of structures on it.

PARTIAL PLANNING

Very few cities in this country have comprehensive city plans, although in many of them certain features have been thought out and executed with care and with good results. This partial method of planning is open to grave criticism. New York, for instance, built an extensive system of subway and elevated transportation to relieve congestion in the older parts of the city which, for lack of zoning restrictions, has been instrumental in adding new congested areas to the old ones. Nevertheless partial planning is by no means necessarily a mistake. The American public is not educated to the need of a comprehensive plan, but is sometimes alive to the advantages of some one feature of such a plan as, for instance, transportation or zoning; and the planner unable to do what he would, must do what he can. In such cases, however, the need of the general plan should always be kept in mind and as an incident of the smaller work, as much of the larger done as is feasible. This is in fact the practice of wise city planners. For instance all good zoning is based on preliminary surveys, which are partial planning studies.

¹ The legal map of a city consists of many sheets, each showing one or more features of the plan for a section of the city. For the provisions with regard to the map of the city of New York, see the Charter (4th ed., 1918, by Mark and Wm. Ash) ch. X, title 4 (sec. 438-449). For similar provisions with regard to the map of Philadelphia, see Purdon's Digest of Statute Law of Pennsylvania, 13th ed., vol. III, p. 2942 ff. and supplement, 1905-15, p. 6744. The Pennsylvania law for second class cities is much the same: *ib.*, vol. III, p. 3088, sec. 569. For similar provisions for Baltimore, see sec. 84-86 of "A Code of Public Local Laws of Maryland," art. 4, title "City of Baltimore," subtitle "Charter."

ENFORCEMENT OF PLAN

The city plan, in order that the many features included in it may conform to it in their development, must be enforced. These features are widely different in their nature and characteristics and the measures to be taken to secure this conformity must vary accordingly. The public features, such as highways and public open spaces, are constructed entirely by public officials, whose acts may be controlled absolutely by the city. The semi-public features, such as the privately owned utilities, are chartered by the state; but their operation and location in so far as it is on, over or under public property, is usually subject to the city's consent. To that extent, therefore, directly and by this means to some extent indirectly the utility may be controlled by the city. The private features, such as land privately owned and structures erected on it by private persons, the city can control only in so far as our constitutions, state and national, permit by virtue of what is known as the "police power." A measure of public control over private land and the uses to which it may be put is essential to the planning of both the public and the private features of the city. The planning of the city's private features is accomplished for the most part by the regulation of the height, area and use of buildings. This subject is discussed in a former supplement to this magazine on "Zoning"¹ and will be referred to only incidentally here.

A measure of public control over land which is, and is to remain, in private ownership and use is essential to the carrying out of the public features of the city plan. The city

¹ By Edward M. Bassett, Esq., issued with the May (1920) number of the NATIONAL MUNICIPAL REVIEW.

could ensure the possibility of the construction of its public features as planned by purchasing the land needed for them, if this were feasible; but prudent planning must always anticipate present needs by many years, and cities, for lack of the necessary funds, seem never able to purchase more land than is required for the immediate future. Unless, therefore, the city can by some method make adherence to the public features of the plan binding upon the owners of the land affected by it, this land is sure to be used in ways which will make it impossible when the time comes, to construct these features as they were originally planned. This the history of many American cities only too clearly proves.²

In foreign countries where city planning has been most successful, adherence by the land owners to a plan containing a few of the main features of the future city is secured by providing that no land owner shall improve his land in any way which will interfere with the carrying out of that plan; or that when the public subsequently takes the land, any improvement infringing upon the plan made subsequent to its adoption shall not be paid for. In this country it has been held by our courts that such a provision limiting the owner's right to use his land is a taking of property rights without compensation, and forbidden by our constitutions.³ The purpose and usual effect of a plan is not to deprive a

² See the report of Dr. Robert H. Whitten, at that time secretary of the Committee on the City Plan of the Board of Estimate of New York City, to that committee, dated November 20, 1917, on the "Erection of Buildings within the Lines of Mapped Streets."

³ See the report just cited. The law is settled to the effect as stated in the text everywhere in the United States where the question has arisen, except in Pennsylvania. The cases are given in Lewis, *Eminent Domain*, 3d ed., sec. 226.

man of any profitable use of his land but to help him to develop it to the best advantage for himself as well as for the community. Nevertheless it is unlikely that these decisions will be overruled; for unquestionably plans could be made which if delayed in execution must work unjustly to certain land owners. It has been suggested that the plan, in so far at least as streets and public open spaces are concerned, might be established by taking and paying for an easement compelling the land owner to observe the plan; but the double procedure involved in condemning first an option on the land in its existing condition and then the land itself would undoubtedly be too cumbersome and expensive, and any such law would probably remain a dead letter.¹ A more practical suggestion is that, under the police power and without payment, any land owner proposing to make an improvement contrary to the plan should be required to give the city prior notice of perhaps six months, in order that the city might exercise its right of taking and paying for the land under condemnation proceedings.² No such law exists, but a number of laws provide that the owner of land, before he lays out streets with lots abutting on them for sale and attempts to record the plan, shall submit his subdivision to the city for approval before the plan shall be recorded; and also forbid utilities in streets until such approval is obtained. The private street, laid

out by the land owner all too often for his immediate profit, with no regard for the interests of the city as a whole or those of the people who are to live on the tract in question, while by no means the only offender against the city plan, is probably the commonest one; and when the lots on such a street are sold to innocent purchasers and houses built on them, the city is practically forced to accept the street as a part of its public system; the only alternative being to allow the street to remain in private control, thus continuing one evil without lessening the others. The provision for approval as a prerequisite to record is effective; it is impossible in this country to sell land without a record title. The provision is also, probably, constitutional, record being not a right but a privilege which the law, for reasons of public policy, may withhold.³

THE CITY PLANNING COMMISSION

The prevailing form of planning executive in this country, both for cities and for smaller communities, is the commission. The first permanent official planning commission was appointed in Hartford, Connecticut, in 1907⁴ and there are now hundreds of such commissions in the United States. Prior to 1907 city planning was wholly a voluntary movement of private citizens, inaugurated by a chamber of commerce or other society or by a committee formed for the purpose and supported entirely by private funds. By such experiments the feasibility and usefulness of

¹ There is such a law in Connecticut for the planning of towns. Rev. stats. 1918, sec. 391-396.

² See the report on the "Erection of Buildings within the Lines of Mapped Streets" already referred to; and for a more radical suggestion, see "A Survey of the Legal Status of a Specific City in Relation to City Planning," by Edward M. Bassett, in the *Proceedings of the Fifth Conference on City Planning* (Chicago, 1913) pp. 46-48.

³ See cases cited in 13 *Cyclopaedia of Law and Procedure*, p. 597, note 599; also *State v. Register of Deeds*, 26 Minn. 521; *Van Huse v. Heames*, 96 Mich. 504; *Wheeler v. Auditor Gen.*, 143 Mich. 311; *Contra, State v. Moore*, 7 Wash. 173.

⁴ Special Laws, Conn. 1907, no. 61, amended; *ib.*, 1909, no. 34, sec. 6, and no. 74.

planning was proved sufficiently to induce the public authorities to adopt it. Thus to this citizen movement we owe official city planning in this country; and any community which cannot obtain an official planning commission should form an unofficial one, as a first step to that end.

In the beginning of the city planning movement planning commissions were often created for the purpose of preparing a city plan, and when this was done, ceased to exist; but the mistake of such a policy is now generally realized, and almost invariably permanent commissions are now appointed. The city is not a static thing to be made complete, according to model once for all, but a growing and changing organism. Not only must the plan be prepared but it must be enforced on forgetful and sometimes unwilling city officials and property owners, and added to or modified as the growth and change of the city demands. All this requires the watchfulness and study of a planning executive,—a duty which the commission that prepared the plan, if a proper one, is best fitted to perform. The planning commission should, therefore, from the start be a permanent one.

Official commissions can come into existence only by virtue of law; but it does not follow that in all cases an express law must be passed authorizing such a commission or it will be impossible to obtain one. If the commission is to have simply advisory power,—and, as we shall see, such a commission is by no means powerless,—the city can, in all probability, create it under its general powers; and in many cities planning commissions created by the legislative body of the city, or planning committees of that body appointed by it, to whom it refers planning matters which come before it, exist, and have done good

work without any express provision of law authorizing them.¹

In a number of states some or all cities or other local governments are given by law or constitutional enactment the "home rule" right to adopt or amend their own charters and may, therefore, include in them a provision for a city planning commission, with more than advisory power, if that is their desire; the extent of that power depending upon the laws and constitution of the particular state.² As a rule such cities may give planning commissions so created all the planning power which the city itself possesses. Cities under a commission form of government do not consider it a departure from principle to create planning commissions.

In several states planning commissions, for all or certain classes of cities or individual cities or cities and smaller communities are provided for by express statute.³ Under these statutes the local authorities are in some cases directed to create commissions;⁴ but most of these statutes are permissive, these authorities being given the power to exercise or not as they see fit. The advantage of permissive statutes is that they compel the advocates of planning to educate the community to its use before the attempt to plan is made.

¹ Examples of planning bodies so created are the Commission for Bridgeport, Connecticut, authorized by the Common Council August 18, 1913; that for Providence, Rhode Island, authorized by ordinance, ch. 599, No. 407, approved December 2, 1913; and the committee of the Board of Estimate and Apportionment of New York City, authorized by it January, 1914.

² See on this subject generally "The Law and Practice of Home Rule," by Howard Lee McBain, Columbia University Press, New York, 1916.

³ See Tables of Statutes below.

⁴ As, for instance, in Massachusetts; the citation is given in the table just referred to.

There are various methods of appointing or designating the members of planning commissions. When the commission comes into existence under the city's general powers, if created by the mayor, its members are appointed by him; or if created by the council, its members are appointed by it or it authorizes the mayor, with or without its concurrence, to appoint them; for while there is no legal reason why there should not be more than one such planning commission in existence in the same city at the same time, it is not probable that this will occur.

When commissions are formed by virtue of a statute or a charter provision, the statute or charter provides for a method of their appointment. In some cases the city council, authorized to create a commission if it sees fit, is also authorized to decide how its members shall be named; but usually the law directs that, in so far as the members are not designated by law, they shall be appointed by the mayor or by the mayor and council. Appointment solely by the mayor would seem to be the better method. The principle of centralizing both power and responsibility in government is now universally regarded as the correct one, especially in the appointment of officers for the performance of duties with regard to which the general public has little knowledge and interest. This is a part of the well known "short ballot" principle.

MEMBERSHIP OF COMMISSION

The number of members of the commission is as a rule between five and fifteen, the usual number being seven or nine. In special cases, as in metropolitan planning, where several local governments are involved, there is much to be said for a large commission, although even in that case it should be

avoided if politically possible; and often for special work such as for instance the preparation of zoning regulations and maps, a representation of the various interests involved larger than that which the usual planning commission affords, seems desirable; but a sub-committee may be formed to aid in that work, without enlarging the permanent commission. That commission in city planning should as a rule be kept small; for while it is important that it should be representative, it is even more so that it should be efficient, as the large commission in executive work seldom is.

The provisions with regard to the qualifications which the members of the commission shall have for the work vary in the different laws and ordinances under which the commissions are appointed, in some cases the appointing authority being left free to use its own judgment, in others that authority being required to select men skilled or learned in certain matters; in still others, and this is the more common provision, the law requiring that a part, generally from a half to three quarters of the whole, shall be the incumbents of certain designated city offices, while the rest, to be selected by the appointing authority, shall be citizens holding no other city office. In a few cases the law provides that not more than one or two of these selected members may be non-residents.

The city officials who *ex-officio* are oftenest designated as members of the planning commission, are (in the order of frequency) the mayor, the chief of the department of public works, the head of the park board or department, and the city attorney. Often, too, a representative of the legislative branch of the city government, or even of its two branches, if it is bicameral, are so made members. The periods of time for which the selected commissioners

are appointed are usually made overlapping so as to secure a measure of continuity.

The reason for including on the commission both city officials and lay members is that both the immediate and the more far-reaching points of view may be represented. The plan must be sufficiently ideal to provide for progress, sufficiently general to unify the city in its growth, sufficiently prophetic to provide for the future; but the ideals must be capable of practical fulfilment and closely related to the city as it is. There is also the danger, especially in the large cities, that the officials will be too busy with what they are likely to regard as duties which are more specially theirs, to give attention to planning. The individual problems of each city may well modify the choice of members for the commission. It should be remembered, however, that the commission is entitled to the assistance and advice of the city officials. There is, for instance, little need for including the city attorney as such in the membership.

POWERS OF COMMISSION

The powers of commissions in matters relating to city planning under the various laws may be characterized as those of (1) general advice; (2) advice a prerequisite to action by other city authorities; (3) advice which may be overruled only by more than a majority vote of the city council; (4) absolute control. In addition such commissions are given powers of various sorts with regard to special phases of planning, made the agent of the city in various matters of city construction or required to perform certain duties for the city.

General Advice

Practically all planning commissions, including those which are granted ad-

ditional powers,¹ are given the right to make a plan of the city and its environs, whether within the legal limits of the city or not. This plan as a rule may contain anything which the commissioners think bears on the planning and construction of the city, even if in some cases the city has no power to act on it. The commission may also make reports on any or all of these matters, and give advice to city officials, or private corporations and individuals with regard to them. The right to receive full information of the action of the city authorities on planning matters as soon as it is inaugurated and before such action becomes final, is often added.

Innocuous as this power seems, it is nevertheless most useful. A good plan, backed up by intelligent publicity, of itself has great influence on the community and on city officials. Gradually some of its features, more or less modified, sometimes for the better, often, unfortunately, for the worse, are carried out; and even if city improvements, rightly or wrongly so called, are made in disregard of it, blocking some of its important features, there is every probability that its influence for good will reassert itself later. Most of the earlier commissions were given merely the power of advice, and nevertheless justified their existence; and a number of the later statutes are similar in this respect.²

¹ Such as, for instance, those created under the Minnesota, New Jersey, New York and Ohio laws, given in full in Text of Selected Statutes below.

² As, for instance, the commissions appointed under the Massachusetts laws. The reference is given in the Tables of Statutes. Of this character also are the laws of New Jersey, 1911, ch. 71, and 1913, chs. 72 and 170, and the later laws of California, Nebraska and Oregon, listed in the table of laws already referred to.

*Advice a Prerequisite to Action by
Other City Authorities*

Most of the recent laws for the creation of planning commissions, in addition to granting them the power of "general advice," provide that before any other city authority takes final action on any one of certain specified matters, it shall notify the commission and await for a certain time a report from it. That report the commission is given the right and duty to submit, but the authority concerned may disregard if it sees fit.¹ This is in accordance with the best thought on the conduct of representative government. If power and therefore responsibility are divided between the commission and the authority concerned, the voters do not know whom to hold accountable for action or inaction and its results; but under the provision in question that authority is required to listen to the advice of experts, but must itself act and assume full responsibility for so doing, in other words, is unable to indulge in the favorite political game of "passing the buck."

*Advice to be Disregarded only by more
than a Majority Vote of City Council*

In several laws and ordinances for the creation of planning commissions the recommendations of the report which is a prerequisite to final action can be disregarded only by a vote of more than a majority of the city council, the usual requirement being two thirds.² The purpose of such a

¹ The law of Minnesota is of this class; and also the special law for Hartford, Connecticut, already mentioned, special laws for a number of other Connecticut cities, and the law of Wisconsin, in the table just referred to. See in this connection also the New York law, printed in full in text of selected statutes below.

² To this effect are the laws of New Jersey and Ohio, printed in full in Text of Selected Statutes below.

requirement is to increase the power over city planning matters of the experts in these matters without unduly dividing authority. In certain matters where stability is especially important there is much to be said for such a provision; but its wisdom in all the many matters of city government and construction which should be within the jurisdiction of the planning commission is more doubtful; for certainly city business must be promptly done, and it is to be feared that by such a requirement either the field of usefulness of the commission would be unduly limited, or the city's business confused and delayed.

Absolute Control

In one or two cases³ the commission is given the right to make a report on the matters deemed of importance in planning, which the other city authorities must follow; or is made the power in the first instance to decide and in some cases to carry out the city's policy in these matters. Under such a system the commission is in reality the board of public works of the city, which loses the advantage of having a planning commission with the measure of detachment essential to the task of planning. Usually, too, such matters have a legislative side, and questions of policy with relation to them should be decided by a legislative body, with the advice and subject to the criticism of experts. If the commission is given complete authority in these matters, this advantage is forfeited.

*Method of Conferring Powers upon
Commission*

The powers granted to commissions vary greatly in character, and the methods of conferring them should

³ As, for instance, in Cleveland, under the provisions of its charter and ordinance, printed in full in Text of Selected Statutes below.

vary accordingly. In so far as the power is that of "general advice," which other officials may profit by, but are not required to regard or even await in their action, there can be no harm and may be much good in giving this power in the broadest terms; and such is the general practice. Even matters with regard to which the city has no legal right to act are included. This is done, as a rule, by empowering the commission to make a map of the city and its environs within and without its legal limits, including in it all matters which the commission deem relevant, and also, for full measure, giving it specifically the right to investigate, report, and advise officials and private parties on all such matters.

When the report of the commission is made a prerequisite to action by other city departments, this power of report, whether it may be disregarded or overruled by these departments or not, should be limited to the consideration of the more general aspects of those few matters which most vitally affect the city plan; for the number of matters which relate to the city plan are very great indeed; there is very little of the city's business which does not in some degree or detail have such a bearing, and to refer most of the business transacted by the entire body of the city's officials to any one authority would cause intolerable friction and delay, even if these officials were under no obligation to follow its advice.

Perhaps the best method of giving this carefully defined power to the commission is to establish an official city map of those features which, unlike the commission's "general advice" map, city officials shall be compelled to follow. This map should become binding when adopted by the legislative branch of the city govern-

ment, and should of course be amendable in the same way in which it is adopted. It should be the duty of the planning commission to prepare this map and suggest such additions and changes in it from time to time as seem desirable. Being binding upon the city no improvement could be inaugurated until first made legally a part of the map; and the adoption and change of this map should be forbidden until referred to the commission. More or less adequate precedents for such a map exist in legislation and practice in the country.¹ In default of such a map the matters in which a report from the commission is a prerequisite to final action may be referred to it by naming them in the statute or ordinance.

Among the features of city construction which it seems clear should be referred to the commission in this way are highways of all sorts, including parkways, with their building lines or set backs,² sewers, water pipes, conduits, bridges, viaducts, tunnels, and other incidents; and parks, playgrounds, squares, and other public open spaces; and the water front, with its pier and bulk head lines, docks, warehouses, and other harbor improvements; and public buildings; and privately owned buildings, such as street railway stations and ferry sheds, in so far as located on public property; and transit lines and other public utilities, both on public and on private property, in so far as the permit for them is issued by the city. A precedent for the inclusion of most if not all of these features will be found in legis-

¹ Perhaps the best is that of New York City. For a reference to the provisions with regard to the map of that city see p. 665, note.

² Building lines or set backs are a part of the official map of New York City. Laws, 1917, ch. 631-632 (called "Court Yards Abutting Streets").

lation in this country.¹ Some statutes go further, embracing all "public improvements";² but this would seem to be both too broad and too indefinite.

The same care that must be exercised in deciding what features of city construction shall be referred to the commission is needed in determining in what detail these selected features shall be so referred. Certainly it should pass upon the "location" of these features, which should include change of location, enlargement, alteration, discontinuance, etc.; and upon the width and grade of highways; and upon the plotting of subdivisions of private land; for all of which there is precedent in this country.

In some laws the commission is directed to pass on the "design"³ of features with regard to which it is given jurisdiction. This is giving the commission duties proper for an art commission to perform, and is wise only when such a course is advisable.

Art Commissions

In several statutes⁴ the planning commission is also the art commission of the city. Except in small cities or towns, where it may be difficult to find suitable men in sufficient numbers to serve on the two bodies, the wisdom of this course is doubtful. To prove this assertion fully it would be necessary to define the duties of art commissions, which, for lack of space, cannot be done adequately here.

¹ This statement is based upon the examination of the statutes for the preparation and adoption of plans or maps and the appointment of planning commissions cited in the notes and tables of this article; to which the reader desiring to verify it is referred.

² Minnesota, 1919, ch. 292.

³ As, for instance, in the Wisconsin statute, already referred to.

⁴ As, for instance, the law for the planning of third-class cities, etc., in New Jersey, printed in full in Text of Selected Statutes below.

Briefly, the main duties of such commissions are two in number: they should guide the city in its own work and defend it from the mistaken generosity or egotism of donors, in order that it may not be defaced but adorned in its growth. It is true that beauty is and must be an integral part of construction and not an after-thought; it is true that beauty and fitness for the purposes for which the structure or other improvement is intended cannot be divorced, or either one of them considered separate from location. Nevertheless the type of man who is fitted to serve on an art commission and on a planning commission are widely different, and better results will be obtained where it is possible to keep the two commissions co-operating but separate.

Miscellaneous Powers

In the various planning laws and ordinances commissions are given a variety of specific and limited powers and entrusted with a number of duties, some more or less closely related to planning and others having no particular connection with it. The disadvantages of combining planning and art commissions have already been pointed out. The union of the planning and park boards, as provided for in some laws,⁵ is open to the same objection. The planning of the details of parks, and their use and maintenance, is a task which should be entrusted if possible to specialists. Under some laws the commission is given full power in the selection and condemnation of land for certain public purposes, such as parks.⁶ This, to the extent

⁵ Mass. Acts 1915, ch. 165; ordinance, City of Schenectady, New York, approved December 9, 1912; Connecticut Special Laws 1913, no. 351, sec. 10.

⁶ Detroit Charter, ch. X, sec. 7 (f); Akron, Ohio, Charter, sec. 102.

that it makes the commission practically the board of public works or the council of the city, is open to the same objections that have been urged to other provisions having such a result. Without citing all the powers of this nature conferred upon planning commissions in the various laws and ordinances,¹ it may be said in general that in so far as possible the duties of the commission should be limited to planning.

Zoning

The duty of preparing and to some extent administering the zoning regulations of cities is of late more and more entrusted to planning commissions. This is planning work which such commissions are well fitted to do. Such a policy tends to unify all branches of planning. To what extent the policy is feasible and how it should be carried out and how aided by the work of other authorities cannot be developed here. Fortunately the subject has just been treated most ably and fully in the "Zoning" supplement to this magazine already referred to.

METROPOLITAN PLANNING

It is a common thing for a city in its growth to overflow into the territory outside its legal limits. Before this occurs it is essential to the best interests of all concerned that this outlying territory, destined in fact if not in law to become a part of the city, should be laid out in conformity with the plan of the city, and to that end it is most desirable that both should be under some common planning authority. This can be brought about completely by a reasonable extension of the city's legal limits, or to some extent by giving the city the power to approve

¹ See Detroit Charter, ch. X, sec. 7 (C); Connecticut Special Laws 1907, no. 61, sec. 5; Minnesota 1919, ch. 292, sec. 3.

plans for the plotting of extensions or other subdivisions outside and within a certain distance of the city's boundaries. When this outside territory is already more or less thickly populated, and organized into local governments, there is still the possibility and the need of making common plans for the further development of what is sociologically one great city divided by artificial jurisdictional lines. In this case the city boundaries may still be enlarged to take in these communities; but there are many objections to the extension of the planning jurisdiction of the city over local communities which have no voice in the city's government. A third alternative is the creation of a metropolitan planning district, with a planning commission, in which all the local governments are represented, at its head. In this way planning is done as a unit; but in other matters the local communities govern themselves, unless, indeed, there are other activities which these communities find it expedient to exercise in common. There is precedent for such commissions in this country.²

Where the metropolitan district consists of many cities and towns, as for instance the districts around Boston, Philadelphia or New York, it is too late to prevent the complexity and confusion which already exist, and also more obviously necessary, as well as difficult, to mitigate their effects and prevent their increase by metropolitan planning. Where the district is in two states the legal difficulty of creating a common authority would not seem to be insuperable. The great need of developing the port of New York as a unit has occasioned the appointment of a joint New York-New Jersey commission, which is

² In Pennsylvania. The statute is given in full on p. 686.

proposing the creation of such an authority.¹

purpose. There are already two such planning commissions in this country, with advisory powers.²

REGIONAL PLANNING

A city is not complete in itself, but dependent upon the resources of the district in which it is situated, just as that district is dependent upon the city where its interests focus. Quite as important as city planning is the planning of entire regions, with their resources, and the distribution of population and industry with due relation to these resources. There is as yet no provision for the enforcement of any such plan. If made, it would be advisory, and as such, nevertheless, of great value. There is no legal reason why the nation, or state, or any local government within the state, should not make regional plans for the information of its citizens.

COUNTY PLANNING

A county, if its characteristics are those of a metropolitan district, may, and if properly organized for the purpose should, be empowered to do metropolitan planning. In so far as it is not such a district, there is every reason why it should do regional planning. Many features of the county, such as parks, main roads, sewerage and streams, could with advantage be regulated for the common good of all its inhabitants. The county could also encourage local planning within it, and the formation of local planning commissions for the

¹ The commission is entitled the "New York, New Jersey Port and Harbor Development Commission," appointed under New York, Laws 1917, ch. 426, and New Jersey, Laws 1917, ch. 130. The reports of this commission contain a draft of the provisions for the creation of a single authority and a brief in defense of its legality.

STATE PLANNING

In a number of European countries the supervision of the planning of local governments, the supplementing and harmonizing of their plans, and to some extent regional planning, are functions of the central, or of the state government. This function has also been assumed by a number of the provinces of Canada³ and, to the extent of experimentation, investigation and advice, by the dominion government.⁴ In this country one of our states has also created a state planning authority with advisory powers, and bodies with somewhat similar powers exist in other states.⁵ The creation of such a department of our national government has also been proposed.⁶ State and national plan-

² In New Jersey and New York; see Tables of Statutes below.

³ This power is exercised by the officer or department having supervision in the particular province, over local government.

⁴ Under the Commission of Conservation, created by 8-9 Edward VII, ch. 27 (1909); 9-10 Edward VII, ch. 42 (1910); and 3-4 George V, ch. 12 (1913), Canada.

⁵ See tables of statutes and texts of selected statutes below.

⁶ The proposal in question, which had the support of many associations and individuals interested in housing and planning, was embodied in a "Bill to create a Bureau of Housing and Living Conditions in the Department of Labor," introduced in the National House of Representatives (66th Cong., 1st sess., July 8, 1919, no. 7014) by Congressman Tinkham of Massachusetts, which failed of passage. That town planning was intended to be included in its scope is indicated by the speech of its introducer (Cong. Record, vol. 58, p. 8913, July 12, 1919). Obviously planning is the proper method of improving housing and living conditions. The Republican national platform, also has come

ning, nowhere developed as it should be, is more noticeably lacking in the United States, and more needed, perhaps, than in any other country.

TABLES OF STATUTES

Planning Commission Laws

City Plan Commissions. Statutes authorizing or requiring the appointment of City Planning Commissions, expressly or impliedly authorize or require a city plan. Such statutes will be found in:

California, 1915, ch. 428, now Gen. L. no. 2389j. The statute applies only to fifth and sixth class cities. Many of the cities of Classes I to IV have charter provisions authorizing the appointment of City Planning Commissions; and they all have the power of adopting home rule charters which shall include such a power.

Connecticut. Many cities and towns have provisions in their charters or are empowered by special statutes to appoint commissions. Any town, city or borough in the state is now authorized to create such a commission. P. A. 1919, ch. 60.

Massachusetts, 1913, ch. 494, as amended 1914, ch. 283, and 1915, ch. 165.

Minnesota, 1919, ch. 292. Under Art. IV, sec. 36 of the State Constitution, cities and villages are also given the right to frame and amend their own charters and therefore to adopt plans and appoint planning commissions.

New Jersey, 1913, chs. 72 and 170; 1915, ch. 188, amended 1916, ch. 175.

New York, 1913, ch. 699, being Art. 12-a of the General Municipal Law.

out in favor of making available to the people the valuable housing and town planning information which the national government has collected during the war and keeping it up to date. This can be done only by the establishment of a housing and planning bureau with advisory power in the United States government.

Ohio Laws, 105-106, p. 455 (1915) being Stats., sec. 4366-1 to 6. Municipalities are also, by home rule provisions, authorized to frame their own charters and may thus obtain permission to adopt maps, appoint planning commissions, etc.

Pennsylvania, 1911, no. 345; 1913, no. 406.

Wisconsin, 1909, ch. 162, amended 1917, ch. 404 now Stats. 959-17 a to j.

Special Laws and Charter Provisions, and Home Rule Powers in many other states authorize municipalities to adopt plans and appoint planning commissions; and many municipalities have taken advantage of these powers.

County Planning Commissions exist in two states:

New Jersey, 1918, ch. 185, Art. XVI.

New York, Westchester County, 1915, ch. 109.

A Metropolitan Planning Commission was appointed for Philadelphia and environs under Pennsylvania, 1913, no. 226; repealed, however, in 1915, thus abolishing the commission.

Advisory Commissions may, as a rule, be appointed without express authority of any sort, and many planning commissions of this sort have been created.

A State Planning Department has been established in Pennsylvania under 1919, no. 34; and the Immigration and Housing Commission of California (Laws 1917, p. 1514, ch. 740) and the Homestead Commission of Massachusetts (Laws 1911, ch. 607, 1913, ch. 595) collect and disseminate planning information. In Massachusetts there is also a Federation of Planning Boards. California has a Capital City Planning Commission. The law is reprinted below.

City Plan Laws

Laws for the appointment of planning commissions usually authorize the preparation and in some cases the

adoption of a plan; as do the following statutes:

Rev. Stats. Connecticut 1918, sec. 388, 390, 1919, ch. 60. In Pennsylvania every municipality is required to adopt a street plan. Act of 1891, approved May 16, amended 1913, no. 430.

Laws Making Approval of Plats A Prerequisite to Record

Of the many statutes forbidding record of plats, etc., without the approval of the municipality, or other political division in which the land is situated, the following may, perhaps, with the most profit be studied:

California, 1915, ch. 756.

Connecticut, Special Laws 1909, no. 74 (Hartford) and ordinances thereunder.

Minnesota, 1919, ch. 392, sec. 5.

Nebraska, 1917, ch. 87, sec. 3.

New York, 1913, ch. 699 being Gen. Mun. Law., Art. 12-a, sec. 238; 1916, ch. 513 (New York City).

Ohio Gen. Code, sec. 4352.

Oregon, 1919, ch. 311, sec. 8.

Pennsylvania, 1913, no. 430, 1911, no. 345.

Statutes forbidding such record without the approval of the city where the land is situated outside of, or within a certain distance of it (usually three miles) are to be found in the following states:

New York, 1913, ch. 370 (Syracuse).

Ohio Gen. Code, sec. 4346.

Pennsylvania, 1913, no. 406, already referred to.

Virginia, 1918, ch. 419 (15 miles).

Wisconsin, 1909, ch. 162, amended 1917, ch. 404, now Stats. 959-17 a to j (1½ miles).

TEXT OF SELECTED STATUTES

Commissions for Cities, Towns, etc.

Minnesota

SECTION 1. *City planning department for Minneapolis; commission and membership.*

That an additional executive department in the government of cities of the first class not organized under section 36 of article IV of the state constitution shall be created to be known as the "city planning department" which shall be in charge of a city planning commission, consisting of nine persons. One shall be the mayor of the municipality; the city council, the school board, the park board and the county board of the county in which the municipality is situated shall each select one of its own members, as a member of the commission, in January of each odd numbered year; and four legal voters of the municipality not members of any of the above bodies or boards shall be appointed by the mayor with consent of the city council of the municipality. The first appointments shall be made as soon as practicable after the passage of this act.

The appointed members of the commission shall serve for four years. The first members first appointed by the mayor shall so classify themselves by lot that one of the number shall go out of office at the end of January of the odd year next after their appointment; one at the end of one year thereafter, and one at the end of two years thereafter; and shall certify the result of the classification to the city clerk. Vacancies for any unexpired term shall be filled by appointment as in the first instance.

The members of the commission shall serve without compensation, but the commission may with the consent of the city council employ engineers or other persons and incur such other expenses as are deemed necessary.

The commission shall make and alter rules and regulations for its own organization and procedure. It shall make an annual report to the city council.

The term "city council" means the principal governing body of the municipality.

SEC. 2. *Powers of commission.* The city planning commission shall have power, except as otherwise provided by law:

1. To acquire or prepare a comprehensive city plan for the future physical development and improvement of the city, based primarily upon public utility, convenience and general welfare, which plan shall be known and designated as the official city plan.

2. To prepare and recommend to the proper officers of the municipality, specific plans for public improvements consistent with the comprehensive plan for the city.

3. To recommend to the city council of the

municipality, ordinances regulating the height, location and ground areas of buildings and structures, and ordinances providing for the division of the city into districts or zones based upon the height, ground areas and use of all buildings and structures.

SEC. 3. *City council may grant certain powers.* The city council of the municipality may pass ordinances authorizing the city planning department to administer and enforce ordinances relative to city planning.

SEC. 4. *Commission to approve public improvements contemplated.* No public improvements shall be authorized to be constructed in the municipality until the location and design of the same have been approved by the city planning commission, provided in case of disapproval the commission shall communicate its reasons to the city council, or other governing body which has control of the construction of the proposed improvement; and the majority vote of such body shall be sufficient to over-rule such disapproval. If the reasons for disapproval are not given to the city council or other governing body within thirty days after the plans for the public improvements are submitted to the city planning commission, said plan shall be deemed to be approved by the city planning commission, provided that the term "public improvements" shall as herein used include "works of art" as defined in chapter 154, General Laws 1901.

SEC. 5. *Plans, plats, etc., to be submitted to commission for approval or rejection.* All plans, plats, or replats, of land hereafter laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public use, or for the use of purchases or owners of lots fronting thereon, or adjacent thereto, and located within the city limits, shall be submitted to the city planning commission for its approval; and it shall be unlawful to receive or record such plans in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of such plan, plats or replats, by the city planning commission, shall be deemed a refusal by the city of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance by the city of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvements of any such dedicated parts, until the proper authorities of the city

shall have made actual appropriations of the same by entry, use or improvements.

The duty of the city planning commission in accepting or rejecting a plat shall be deemed legislative and discretionary and not administrative.

SEC. 6. This act shall take effect and be in force from and after the date of its passage and approval.

[Laws 1919, ch. 292.]

Approved April 17, 1919.

New Jersey

1. This act may be referred to as the "Municipal Plan and Art Commission Act." It shall apply to all third class cities, fourth class cities, boroughs, towns, townships and incorporated villages of this State (and only to those) which shall accept the provisions of this act as herein after stated.

2. Any municipality mentioned in section one of this act may be a majority vote of the mayor and common council, or other similar governing body of whatsoever name called, authorize the appointment of a municipal plan and art commission for such municipality. Such commission shall consist of six men, all of whom shall reside in said municipality, and one of whom may be a member of the common council or other similar governing body of the municipality. The commissioners shall be appointed by the mayor or other head of the municipality, with the advice and consent of the council or other similar governing body, as the case may be. Each commissioner shall be appointed for a term of six years, except that when the commission shall be first created, one commissioner shall be appointed for a term of six years, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year, except also, in case of any vacancy occurring in said commission, the vacancy shall be filled for the balance of the unexpired term in each instance as it arises; to the end that such commission shall be maintained as a continuing body with normally one commissioner to be nominated by the mayor and confirmed by the council in each year. In every municipality in which a municipal plan and art commission shall be appointed under the provisions of this act, the mayor or other executive head of such municipality shall also be *ex-officio* a member of such commission during his term of office.

3. After January first, one thousand nine hundred and sixteen, in every municipality mentioned in section one of this act which shall not have constituted a municipal plan and art commission in the manner prescribed in section two of this act, legal voters residing therein in number equaling or exceeding twenty per centum of the votes cast in the last preceding election for municipal officers may, by petition addressed to the clerk of the county in which such municipality is located, call an election of the legal voters of such municipality to vote on the question as to whether such municipality shall have a municipal plan and art commission under the provisions of this act. Such petition, with the execution thereof proven by the oath of one or more witnesses, shall be filed with said county clerk. The election shall be held at the same time as the next succeeding election of members of the General Assembly of the State of New Jersey, following the filing of said petition and by the same election officers. The ballot shall read as follows:

	For the appointment of a Municipal Plan and Art Commission to serve without pay.
	Against the appointment of a Municipal Plan and Art Commission to serve without pay.

and shall be printed on and as a part of the regular official ballot. If a cross mark shall be placed in the square opposite the words "For the appointment of a Municipal Plan and Art Commission, to serve without pay," the vote shall be recorded as in favor of the proposition. If a cross mark shall be placed in the square opposite the words "Against the appointment of a Municipal Plan and Art Commission, to serve without pay," the vote shall be regarded as against the proposition. The result of such election shall be declared by a certificate or certificates signed by the election officers conducting such election and within three days after such election, such certificate or certificates shall be filed with said county clerk, and a duplicate of such certificate or certificates shall within said three days also be filed with the mayor or other head of the governing body of the municipality. If the majority of the votes cast at any election on the question of appointing a commission under the

provisions of this act shall be in favor of the appointment of a municipal plan and art commission, such municipal plan and art commission shall be appointed by the mayor or other head of the municipality, with the advice and consent of the council or other similar body in such municipality, within sixty days after the date of such election.

4. Between December fifteenth and December thirty-first in each year, every such commission appointed under the provisions of this act shall prepare and deliver to the mayor and council or other head of the municipality in which such commission exists, an itemized statement of the amount of money, if any, estimated to be necessary for the work of said commission for the coming calendar year from January first to December thirty-first inclusive, which statement shall be for the information of the mayor and council or other governing body of the municipality, which governing body in its discretion may appropriate in the same manner as other appropriations are made, the amount of such estimate or any portion thereof, and the amount so appropriated shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such municipality shall be assessed, levied and collected.

5. All questions concerning the location or acceptance of any public place, playground, parkway, street, avenue, highway, common, boulevard, square, park, or of the design, acceptance or location of any bridge, viaduct, street or park fixtures or structures, or any public building (including public library) or works of art, proposed to be erected either wholly or partly by public or private funds, for the benefit of the public in such municipality, shall be referred to such commission by the mayor and council or other similar governing body of such municipality for consideration and report before final action shall be taken thereon by the mayor and council or other similar governing body. If no report shall be made by said commission within sixty days after the receipt of such reference by the commission, the mayor and council or other similar governing body, may proceed without a report, as if this law had not been enacted. If a report shall be made by the commission, action by the mayor and council or other similar governing body in harmony with the recommendations of such report, may be taken by a majority vote, but no action by the mayor and council or other similar governing body adverse to the recom-

mentation of such report shall be valid, unless such action shall be taken by a two-thirds vote of the mayor and council or other similar governing body.

The term "works of art" as used in this section, shall apply to and include all monuments, fountains, mural decorations, sculptures, and all structures of a permanent character intended for ornament or commemoration.

This act shall take effect immediately.

Approved April 6, 1915. [Laws 1915, ch. 188.]

The above act has been amended by adding the following:

1. When any municipal plan and art commission appointed under the terms of the act to which this is a supplement determines in its judgment that it is advisable and for the best interests of the city, borough or other municipality in which it is appointed, to prepare plans for the systematic and further development and betterment of such municipality, it shall then be the duty of such municipal plan and art commission to prepare such plans, and in doing so the said municipal plan and art commission may consider and investigate any subject matter tending to the development and betterment of such municipality and make such recommendations as it may deem advisable concerning its government and for any purpose make or cause to be made surveys, plans or maps. It shall have the power and authority to employ experts and clerks and to pay for their services, and to pay for such other expenses as such commission may lawfully incur under the powers hereby granted, including the necessary disbursements incurred by its members in the performance of their duties as members of said commission, provided such disbursements shall have been authorized by such commission; and further provided, that the total amount so expended for all purposes in any one year shall not exceed the appropriation for such year as heretofore provided.

2. This act shall take effect immediately.

Approved March 17, 1916. [Laws 1916, ch. 175.]

New York

SECTION 1. The general municipal law is hereby amended by adding thereto a new article to be numbered twelve-a, to be entitled city and

village planning commissions, and to read as follows:

ARTICLE 12-a

City and Village Planning Commission

SEC. 234. Creation, Appointment and Qualifications.

235. Officers, Expenses and Assistance.

236. General Powers.

237. Maps and Recommendations.

238. Private Streets.

239. Rules.

239-a. Construction of Article.

SEC. 234. *Creation, appointment and qualifications.* Each city and incorporated village is hereby authorized and empowered to create a commission to be known as the city or village planning commission. Such commission shall be so created in incorporated villages by resolution of the trustees, in cities by ordinance of the common council, except that in cities of the first class, having more than a million inhabitants, it shall be by resolution of the board of estimate and apportionment or other similar local authority. In cities of the first class such commission shall consist of not more than eleven, in cities of the second class of not more than nine, in cities of the third class and incorporated villages of not more than seven members. Such ordinance or resolution shall specify the public officer or body of said municipality that shall appoint such commissioners, and shall provide that the appointment of as nearly as possible one third of them shall be for a term of one year, one third for a term of two years, and one third for a term of three years; and that at the expiration of such terms, the terms of office of their successors shall be three years; so that the term of office of one third of such commissioners, as nearly as possible, shall expire each year. All appointments to fill vacancies shall be for the unexpired term. Not more than one third of the members of said commission shall hold any other public office in said city or village.

SEC. 235. *Officers, Expenses and Assistance.* The commission shall elect annually a chairman from its own members. It shall have the power and authority to employ experts, clerks, and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the annual appropriation that may be made by said city or village for said commission. The body creating the commission shall by ordinance or resolution provide what

compensation, if any, each of such commissioners shall receive for his services as such commissioner. Each city and incorporated village is hereby authorized and empowered to make such appropriation as it may see fit for such expenses and compensation, such appropriations to be made by those officers or bodies in such city or village having charge of the appropriation of the public funds.

SEC. 236. *General Powers.* The body creating such planning commission may, at any time, by ordinance or resolution, provide that the following matters, or any one or more of them, shall be referred for report thereon, to such commission by the board, commission, commissioner or other public officer or officers of said city or village which is the final authority thereon before final action thereon by such authority: the adoption of any map or plan of said city or incorporated village, or part thereof, including drainage and sewer or water system plans or maps, and plans or maps for any public water front, or marginal street, or public structure upon, in or in connection with such front or street, or for any dredging, filling or fixing of lines with relation to said front; any change of any such maps or plans; the location of any public structure upon, in or in connection with, or fixing lines with relation to said front; the location of any public building, bridge, statue or monument, highway, park, parkway, square, playground or recreation ground, or public open place of said city or village. In default of any such ordinance or resolution all of said matters shall be so referred to said planning commission.

The body creating such planning commission may, at any time, by ordinance or resolution, fix the time within which such planning commission shall report upon any matter or class of matters to be referred to it, with or without the further provision that in default of report within the time so fixed, the planning commission shall forfeit the right further to suspend action, as aforesaid with regard to the particular matter upon which it has so defaulted. In default of any such ordinance or resolution, no such action shall be taken until such report is so received, and no adoption, change, fixing or location as aforesaid by said final authority, prior thereto, shall be valid. No ordinance or resolution shall deprive said planning commission of its right or relieve it of its duty, to report, at such time as it deems proper upon any matter at any time referred to it.

This section shall not be construed as intended to limit or impair the power of any art commission, park commission or commissioner, now or hereafter existing by virtue of any provision of law, to refuse consent to the acceptance by any municipality of the gift of any work of art to said municipality, without reference of the matter, by reason of its proposed location or otherwise, to said planning commission. Nor shall this section be construed as intended to limit or impair any other power of any such art commission or affect the same, except in so far as it provides for reference or report, or both, on any matter before final action thereon by said art commission.

SEC. 237. *Maps and Recommendations.* Such planning commission may cause to be made a map or maps of said city or village or any portion thereof, or of any land outside the limits of said city or village so near or so related thereto that in the opinion of said planning commission it should be so mapped. Such plans may show not only such matters as by law have been or may be referred to the planning commission, but also any and all matters and things with relation to the plan of said city or village which to said planning commission seem necessary and proper. Including recommendations and changes suggested by it; and any report at any time made, may include any of the above. Such planning commission may obtain expert assistance in the making of any such maps or reports, or in the investigations necessary and proper with relation thereto.

SEC. 238. *Private Streets.* The body creating such planning commission may at any time, by ordinance or resolution provide that no plan, plot or description, showing the layout of any highway or street upon private property, or of building lots in connection with or in relation to such highway or street shall, within the limits of any municipality having a planning commission, as aforesaid, be received for record in the office of the clerk of the county where such real property is situated, until a copy of said plan, plot or description has been filed with said commission and it has certified, with relation thereto, its approval thereof. Such certificate shall be recorded as a part of the record of said original instrument containing said plan, plot or description. No such street or highway which has not received the approval of the planning commission shall be accepted by said city or village until the matter has been referred to such

commission under the provision of section two hundred and thirty-six of this article. But if any such street is plotted or laid out in accordance with the map of said municipality, adopted according to law, then it shall not be necessary to file such copy, or obtain or record such certificate.

Sec. 239. *Rules.* Such commission may make rules not contrary to law, to govern its action in carrying out the provisions of this article.

Sec. 239-a. *Construction of Article.* This article shall be construed as the grant of additional power and authority to cities and incorporated villages, and not as intended to limit or impair any existing power or authority of any city or village.

Any city or incorporated village in order to appoint a planning commission under this article shall recite, in the ordinance or resolution so creating the commission, the fact that it is created under this article.

Sec. 2. This act shall take effect immediately.

[Laws 1913, ch. 699.]

Ohio

Statutes, Sec. 4366-1. The council of each municipality may establish a city planning commission, consisting of seven members, the mayor, the service director, the president of the board of park commissioners, and four citizens of the municipality, who shall serve without compensation, and who shall be appointed by the mayor for a term of six years, except that the term of two of the members of the first commission shall be for three years. Whenever such a commission is appointed, it shall have all the powers conferred in section 4344 of the General Code.

Sec. 4366-2. The powers and duties of the commission shall be to make plans and maps of the whole or any portion of such municipality, and of any land outside of the municipality, which in the opinion of the commission bears relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable. Such maps or plans shall show the commissions' recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds, or any other public grounds or public improvements; and the removal, relocation, widening or extension of such public works then existing, with a view to the systematic planning of the municipalities, the commission may make recommenda-

tions to the mayor, council, and department heads concerning the location of streets, transportation and communication facilities, public buildings and grounds. The commission shall have the power to control, preserve and care for historical landmarks; to control in the manner provided by ordinance the design and location of statuary and other works of art, which are or may become the property of the municipality; and the removal, relocation and alteration of any such works belonging to the municipality; and the design of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances. Whenever the commission shall have made a plan of the municipality, or any portion thereof, no public building, street, boulevard, parkway, park, playground, public ground, canal, river-front, harbor, dock, wharf, bridge, viaduct, tunnel, utility (whether publicly or privately owned) or part thereof shall be constructed or authorized to be constructed in the municipality of said planned portion of the municipality until and unless the location thereof shall be approved by the commission; provided that in case of disapproval the commission shall communicate its reasons for disapproval to council, and the department head of the department which has control of the construction of the proposed improvement or utility; and council, by a vote of not less than two-thirds of its members and such department head shall together have the power to overrule such disapproval. The narrowing, ornamentation, vacation or change in the use of streets and other public ways, grounds and places shall be subject to similar approval, and disapproval may be similarly overruled. The commission may make recommendations to any public authorities or to any corporations or individuals in such municipality or the territory contiguous thereto, concerning the location of any buildings, structures or works to be erected or constructed by them.

Sec. 4366-3. The municipal planning commission shall be the platting commission of the municipality, and all the powers and duties provided by law for platting commissioner or commissioners of municipalities shall upon the appointment of a municipal planning commission under this act, be deemed transferred to such commission.

Sec. 4366-4. Council may authorize the commission to control the height, design and location of buildings.

SEC. 4366-5. The commission shall have power to control, appoint or employ such architects, engineers and other professional service, and to appoint such clerks, draughtsmen and other subordinates as it shall deem necessary for the performance of its functions; the expenditures for such service and employments to be within the amounts appropriated for such persons by the council of the municipality; and council shall provide for the expenses and accommodations necessary for the work of the commission.

SEC. 4366-6. This act shall take effect and be in force January 1, 1916.

Approved June 2nd, 1915.

Charter of City of Cleveland

SEC. 77. There shall be a city plan commission to be appointed by the mayor with power to control, in the manner provided by ordinance, the design and location of works of art which are, or may become, the property of the city; the plan, design and location of public buildings, harbors, bridges, viaducts, street fixtures and other structures and appurtenances; the removal, relocation and alteration of any such works belonging to the city; the location, extension and platting of streets, parks and other public places, and of new areas; and the preparation of plans for the future physical development and improvement of the city.

Ordinance of City of Cleveland

SEC. 4. Hereafter no public building, harbor, bridge, viaduct, street fixture, or other structure or appurtenance shall be located, constructed, erected, renewed, relocated, or altered until and unless such plan, design or location shall have been submitted to and approved by the commission; and no such work when completed shall be accepted by the city until and unless it shall have been approved by the commission as provided in sec. 77 of the City Charter.

Pennsylvania

SEC. 5. All plans, plots, or replots of lands laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits of a city of the third class or for a distance of three miles outside thereof, shall be submitted to the city planning commis-

sion and approved by it before it shall be recorded. And it shall be unlawful to receive or record such plan in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of any such plans by the city planning commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by entry, use, or improvement. No sewer, water, or gas-main, or pipes, or other improvement, shall be voted or made within the area under the jurisdiction of said commission, for the use of any such purchasers or owners; nor shall any permit for connection with or other use of any such improvement existing, or for any other reason made, be given to any such purchasers or owners until such plan is so approved. Where the jurisdictional limit of three miles outside of the city limits, as provided in this section, may conflict with the zone of similar character connected with another city of the third class, the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality.

Approved the 16th day of July, A. D. 1913.
[Laws 1913, no. 406.]

Metropolitan Commissions Massachusetts

In 1911, Massachusetts (Acts and Resolves, ch. 84) caused an investigation to be made as to the desirability of appointing a planning commission for the Metropolitan District of Boston and its vicinity, a report of which was made to the legislature of the state in 1912 (House Report No. 1615). That report recommended the appointment of such a commission and transmitted with its report a draft of an act (never passed) for that purpose, which is as follows:

SECTION 1. The governor, by and with the consent of the council, shall appoint three persons, and the mayor of Boston shall appoint two

persons, who shall constitute a board to be known as the Metropolitan Planning Board. The members of said board shall hold office for terms of five years each beginning with the first Monday in May in the year nineteen hundred and twelve. Upon the expiration of the terms of the members so first appointed the governor shall appoint three members, one to serve for five years, one for three years and one for one year, and the mayor shall appoint two members, one to serve for four years and one for two years. Thereafter the respective appointments by the governor and mayor shall be for terms of five years. The governor shall appoint the chairman of the said board.

SEC. 2. The jurisdiction and powers of said board shall extend to and may be exercised in the cities of Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Medford, Melrose, Newton, Quincy, Somerville, Waltham, and Woburn, and in the towns of Arlington, Belmont, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Hingham, Hull, Milton, Nahant, Needham, Revere, Saugus, Stoneham, Swampscott, Wakefield, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, and Winthrop, and the said cities and towns together with any others that may be included by subsequent legislation shall constitute the metropolitan district within the meaning of this act.

SEC. 3. Except as hereinafter expressly provided nothing in this act shall be construed as affecting the powers now vested by law in any public authority.

SEC. 4. Duties and powers of the said board:

A. It shall be the duty of the said board to make or obtain surveys of the metropolitan district as herein defined, and for the purpose of making such surveys it shall have the right to do all reasonable and necessary acts.

B. It shall be the duty of the said board to make a comprehensive plan or series of plans for the present and probable future requirements of the metropolitan district in respect to a system of traffic thoroughfares and other main highways, transportation facilities of every sort suitably co-ordinated, sites for public buildings, parks, playgrounds and other public uses, and any and all public improvements tending to the advantage of the metropolitan district as a place of business and of residence.

C. It shall be the duty of the said board to study and, in its discretion, it may recommend such legislation applicable to the metropolitan

district as will facilitate the prevention and relief of congestion of population and of traffic, the better control of fire hazard, the better distribution of areas and of buildings for the purposes of residence, manufacturing, trade and transportation, the preservation of the natural and historic features of the district, the beautifying thereof, the co-ordination of transportation facilities, the best method of financing and assessing the cost of public improvements or any other matter relating to a co-ordinated civic development within the said metropolitan district.

D. It shall be the duty of the said board to examine and make public reports upon all plans directly affecting the metropolitan district or more than one city or town therein made under authority of law, and for the purpose of such examination it shall be the duty of any existing public authority before making any contract or agreement for the execution of plans of character aforesaid for any public improvements within the metropolitan district to inform the Metropolitan Planning Board as to such plans and give the said board reasonable opportunity for examining the same. The said reports may specifically approve or disapprove of said plans in whole or in part as the said board may by its examination determine, and shall state the reasons for such approval or disapproval. Whenever it is possible and desirable to effect a co-ordination of the plans for improvements within the said metropolitan district of two or more agencies, whether now existing or hereafter created and with local or general jurisdiction, it shall be the duty of the said board to seek to effect such a co-ordination.

E. If in the opinion of the said board any plan for a public improvement proposed for execution by the legally constituted authority in any county, city or town within the district conflicts with some existing or proposed public improvement of metropolitan character the board shall so inform the executive of the said county, city or town, whereupon the said county, city or town may abandon the proposed improvement, or shall execute the same in accordance with the plan of the said Metropolitan Planning Board, or shall postpone action upon the question of execution for not less than one year, after which such lawful action may be taken as the said county, city or town through its legally constituted authority may deem expedient.

F. The said board shall have the power when

so requested by the authorities of any county, city or town within the said metropolitan district to furnish assistance for the making of plans or specifications or the supervision of the execution of public works at the cost of such assistance or supervision.

G. The board may place the question of the execution of any given metropolitan improvement within the limits of the metropolitan district before the government of each political unit in which such improvement is physically situated, and before any succeeding government in its discretion. It shall present estimates of cost with any plans for improvements whenever the question of execution is placed before public authorities. Every proposed improvement or any part thereof when accepted by the government of the municipal unit in which it is situated, or by any other constituted authority having power to make such improvement, or part thereof, shall be executed by such government or authority whether now existing or hereafter created.

SEC. 5. The approval by the board of any plan or plans accepted by municipal authorities or boards of county commissioners or submitted to said Metropolitan Planning Board as hereinbefore provided, may in set terms designate and classify the improvements therein shown or any portion of them as ordinary or extraordinary metropolitan improvements. The cost of ordinary metropolitan improvements executed under the provisions of this act shall be paid as follows: sixty-five per cent by the municipality or municipalities in which the improvement is physically situated; twenty-five per cent by the remaining cities and towns constituting the said district in proportions determined by the commission appointed by the supreme judicial court as hereinafter provided and ten per cent by the commonwealth. The cost of extraordinary metropolitan improvements executed under the provisions of this act shall be paid as follows: such proportion thereof, not exceeding sixty-five per cent, as may be determined by the said commission appointed by the supreme judicial court as aforesaid, by the municipality or municipalities in which the improvement is physically situated; such amount, not less than twenty-five per cent thereof, as may be determined by the aforesaid commission by the remaining cities and towns constituting the said district, in proportions determined as aforesaid and ten per cent by the commonwealth.

SEC. 6. To meet the cost of the improvements executed in accordance with the provisions of this act, the treasurer and receiver general shall upon application of the Metropolitan Planning Board, issue scrip or certificates of debt in the name and on behalf of the commonwealth and under its seal to the amount annually necessary for five years from the date of the first of such applications. In no one year shall the proportion to be paid by the commonwealth as its part in the expenses authorized by section five of this act exceed five hundred thousand dollars and the amount of scrip or certificates of debt issued in any one year as aforesaid shall be limited accordingly. All loans issued by the commonwealth in accordance herewith shall be serial loans and shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. Such scrip or certificates of debt shall be designated on the face as the Metropolitan Planning Board Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States; and said scrip or certificates of debt shall be sold and disposed of at public auction or in such other mode and at such times and prices, and in such amounts and at such rates of interest as the governor and council shall deem best. Any premium realized on the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

SEC. 7. The supreme judicial court sitting in equity shall in the year nineteen hundred and twelve and every year thereafter on the application of the Metropolitan Planning Board, or of the attorney of any of the cities or towns in the metropolitan district, and after notice to each of said cities and towns, appoint three commissioners, neither of whom shall be a resident of any of said cities or towns, who shall, after such notice and hearing as they shall deem just and equitable, determine the proportions in which each of said cities and towns shall pay money into the treasury of the commonwealth for the year following that in which the application is made to meet the interest, serial loan requirements, expenses, including the expenses of administration, and cost for such year. Said

commission shall make such apportionment on or before the first day of March in each year. The said commissioners shall determine the several amounts to be paid by the cities and towns of the metropolitan district other than those in which ordinary or extraordinary improvements are situated to the aggregate amount of twenty-five per cent of the total cost of improvements classified as ordinary. In the case of improvements classified as extraordinary, they shall also determine how far, if at all the proportion of the total cost of such improvements to be paid by the municipalities in which they are physically situated shall be reduced below sixty-five per cent and correspondingly increased as regards some or all of the remaining municipalities comprising the metropolitan district. The proportion to be ultimately payable by the commonwealth shall be ten per cent of the total cost whether for ordinary or extraordinary improvements. The amounts severally to be paid by the separate municipalities shall be apportioned by the said commissioners on the basis of benefit in each case and with due account of population, valuation and any other thing which, in the opinion of the said commission, should affect the said proportional contributions: *provided, however*, that nothing herein shall be construed to change the apportionment of the cost for public improvements to which the commonwealth already contributes under existing laws.¹

SEC. 8. Said board may appoint such office and technical assistants as it seems necessary to carry out the purposes of this act. It shall determine the duties and compensations of such appointees and remove them at pleasure. It shall be supplied with a suitable office or offices for its work and for its maps, plans, documents and records. The chairman of the said board shall receive a salary of ten thousand dollars a year and each of the other four members thereof shall receive a salary of one thousand dollars a year. The salaries of the commissioners and their appointees and the expenses of administration shall be paid from the treasury of the commonwealth and shall be thereafter assessed ninety per cent thereof upon the cities and towns

of the metropolitan district as herein defined in proportions to be determined by a commission appointed by the supreme judicial court sitting in equity as hereinbefore provided and ten per cent by the commonwealth. On or before the second Wednesday of January in each year said board shall make a report in print of its proceedings to the general court together with a full statement of its receipts and disbursements, and the said board may make such additional reports in print or otherwise from time to time as it may deem expedient.

SEC. 9. The treasurer of the commonwealth shall in the year nineteen hundred and twelve and in each year thereafter estimate, in accordance with the proportions determined and returned as aforesaid, the several amounts required during the year beginning with the first day of January from the cities and towns aforesaid, to meet said interest, serial loan requirements, salaries, expenses, including expenses of administration and cost for each year, and deficiency, if any, and shall include the amount required from a city or town in, and make it a part of, the sum to be paid by such city or town as its annual state tax and the same shall be paid by the city or town into the treasury of the commonwealth at the time required for the payment, and as a part of its state tax.

SEC. 10. This act shall take effect upon its passage so far as it affects the appointment of the members of the Metropolitan Planning Board and in all other respects this act shall take effect on the first day of _____, nineteen hundred and twelve.

Pennsylvania

WHEREAS, The establishment of Suburban Metropolitan Planning Commissions having jurisdiction over territory adjacent to cities of the first class is desirable, in order to provide for its proper development by the co-operation of the various local governmental units in matters pertaining to their common welfare; and

WHEREAS, It is desirable, that there should be co-ordination of effort with Urban Metropolitan Planning Commissions, relating to cities of the first class themselves, wherever the same may exist:

SECTION 1. Be it enacted, etc., That in order to secure co-ordinated, comprehensive plans of highways and roads, parks and parkways, and all other means of inter-communication, water-supply, sewerage and sewage disposal, collection

¹ A study of the apportionment of assessments according to benefits, between the city as a whole, the various boroughs of the city, and the land owners, will reveal some analogy between it and the apportionment here suggested. See Charter, sec. 972-973 (in New York City).

and disposal of garbage, housing, sanitation and health playgrounds, civic centers, and other public improvements, as hereinafter provided for, the districts surrounding and within twenty-five miles of the limits of cities of the first class, whether in one or more counties, and in order to prevent waste by unnecessary duplication, the areas included within twenty-five miles of the limits of cities of the first class shall be denominated the Suburban Metropolitan Districts of cities of the first class of Pennsylvania. When any city, borough or township is partly within and partly without the twenty-five mile limit, the whole of such city, borough, or township shall be regarded as within the Suburban Metropolitan District.

SEC. 2. There shall be an executive department created for every Suburban Metropolitan District, to be known as the Department of Suburban Metropolitan Planning, which shall be in charge of a Suburban Metropolitan Planning Commission.

SEC. 3. The Suburban Metropolitan Planning Commission shall be appointed by the Governor of the State of Pennsylvania, and shall consist of fifteen members, who may or may not hold other public office, whether for profit or otherwise, of whom twelve shall be residents of the district involved, and three shall be residents of the said city of the first class, five members to be appointed to serve for one year, five for two years, five for three years; then, thereafter, each appointment to be for three years.

An appointment to fill a casual vacancy shall be for the unexpired portion of the term. Nine shall constitute a quorum.

The Suburban Metropolitan Planning Commission shall make and alter rules and regulations for its own organization and procedure, consistent with the laws of the Commonwealth. From its own members it shall choose a chairman and vice-chairman. Each member shall serve without compensation. On or before January tenth of each and every year, the commission shall make to the mayor of each city, to councils of each borough, to the commissioners of each first class township, and to the supervisors of each second class township, within the Suburban Metropolitan District, to the mayor of the said city of the first class, and to the Governor of the State of Pennsylvania, a report of its transactions and recommendations. The commission may employ a secretary, engineers, and other experts and persons, whose salaries and

wages, as well as all the other necessary expenses of the commission and members thereof, shall be provided for as hereinafter set forth.

SEC. 4. The Suburban Metropolitan Planning Commission shall make, or cause to be made, and laid before the respective governmental authorities of the district, and, in its discretion, cause to be published, a map or maps of the entire district, or any portion or portions thereof, showing any or all systems of transportation, highways and roads, parks, parkways, water-supply, sewerage and sewage disposal, collection and disposal of garbage, housing, sanitation, playgrounds and civic centers, or of other natural physical features of the district: and it shall prepare plans for any new or enlarged facilities for intercommunication, parks, parkways, water-supply systems, sewers, sewage disposal, garbage disposal, land plottings and housing arrangements, playgrounds and civic centers, or any other public improvement that will affect the character of the district as a whole, or more than one political unit within the district, or any widening, extension or relocation of the same, or any change in the existing township or borough or city plans, by it deemed advisable. And it shall make recommendations to the respective governmental authorities, from time to time, concerning any such matters or things aforesaid, for action by the respective legislative, administrative, or governmental bodies thereon; and in so doing have regard for the present conditions and future needs and growth of the district, and the distribution and relative location of all the principal and other streets, and railways, waterways, and all other means of public travel and business communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use, and the planning, subdivision and laying out for urban uses of private grounds brought into the market from time to time.

SEC. 5. Any city, borough, or township, within any Suburban Metropolitan District, may request the Suburban Metropolitan Planning Commission of that district to prepare plans concerning any of the subjects set forth in section four of this act; whereupon it shall be the duty of the Commission to prepare such plans with dispatch.

SEC. 6. The Suburban Metropolitan Planning Commission may make recommendations to any public authorities or any corporation or

individual in said districts, with reference to the location of any buildings and structures to be constructed by them.

SEC. 7. The plans so made and laid before the respective governmental authorities by the Suburban Metropolitan District Planning Commission, according to sections four, five and six, shall be considered by such respective authorities, and followed by them in so far as shall be determined by each authority: *provided, however*, that the provisions of this act shall not abridge or in any way affect the provisions of an act, entitled "An act creating a Department of Health and defining its powers and duties," approved the twenty-seventh day of April, Anno Domini, one thousand nine hundred and five; or the provisions of an act, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," approved the twenty-second day of April, one thousand nine hundred and five.

SEC. 8. On or before January tenth of each and every year, the commission shall prepare an estimate of its expenses for the ensuing year, setting forth with as much detail as is practicable the items of which such estimate is composed; and shall cause the amount of its expenses so estimated, after deducting the cash on hand and the unpaid assessments, to be assessed against the cities, boroughs, and townships within the district, in proportion to their respective tax duplicates. The itemized estimate of expenses and a statement of the rate of assessment shall be spread upon the minutes of the Commission, which shall be kept open at all times for public inspection. Each and every assessment, when certified by the chairman and secretary of the commission, shall constitute a charge on the treasury of the respective city, borough, and township, and its immediate payment shall be at once provided for. The commission shall have power to secure payment of the assessment by suits of mandamus, or otherwise; *provided*, that the rate of assessment shall not exceed one-tenth of one mill.

Approved the 23d day of May, A. D. 1913.
[Laws 1913, No. 226, repealed in 1915.]

County Commission

*New Jersey, Laws 1918, Chapter 185,
Art. XVI:*

SEC. 1601. Every board of chosen freeholders shall have power to prepare and adopt a

plan for the betterment and the systematic development of the county, and shall have power and authority to employ experts and to pay for their services, and to pay such other expenses as may be necessary for the making of such plan.

SEC. 1602. Every board of chosen freeholders may, by resolution, provide for the establishment of a commission consisting of not more than seven citizens of such county to act as a county plan commission. Such commission, if established, shall have all the power and authority conferred upon boards of chosen freeholders by this article, except that the said commission may expend only such sums as may be appropriated for such purpose by the board of chosen freeholders.

SEC. 1603. Every board of chosen freeholders adopting any such plan, or any county plan commission appointed hereunder, shall endeavor to cause all municipalities within the county, and adjoining it, to co-operate in the laying out of roads and boulevards and in the betterment and the systematic development of the county.

Capital City Commission

California

SECTION 1. There shall be a state capital planning commission composed of the governor, and state librarian, *ex-officio* members, and three members to be appointed by the governor, at least one of whom shall be a recognized expert in the planning of cities and towns. Appointive members of this commission shall serve without pay and shall hold office in the first instance for terms respectively for two years, four years, and six years and until their successors have been appointed and qualified. Their successors shall serve for terms of six years each and appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Three shall be a quorum. They may make and alter rules and regulations for their own procedure consistent with the laws of the state. They shall consider all matters in city planning affecting the future needs of the state and the relation of the state plans to those of the capital city.

SEC. 2. They shall confer and advise with the city planning body of the capital city concerning all matters affecting the metropolitan district in and about the said capital city and for a distance within fifteen miles outside the cor-

porate limits of the said city. They shall make recommendations to the governing bodies of all political units within this area and to the governor with regards to all matters of interest to the state in and concerning its capital city with reference to its system of roads, boulevards and thoroughfares, street railway systems, smoke prevention, parks, parkways and playgrounds, water supply, sewage and sewage disposal, collection and disposal of garbage, civic centers, or of other natural or artificial physical features of the district, and of location proposed by it for any new or enlarged thoroughfares, street railway system, union depot, parks, parkways, playgrounds, water supply systems, sewers, sewage disposal plant, garbage disposal plant and civic centers, or any other public improvement that will affect the character of the district as a whole, to political units within the district. It may make recommendations to the state, city or district governmental authorities, from time to time concerning any such matters or things aforesaid for action by the respective legislative, administrative or governing bodies thereof. In so doing they shall have regard for the present conditions and future needs and growth of the district, and the distribution and relative location of all the principal and other streets and railways, waterways, and all other means of public travel and business communication, as well as the distribution and relative location of all public buildings, public grounds and open spaces devoted to the public use, and the planning and laying out for urban uses of private grounds brought into the market from time to time.

SEC. 3. The state capital planning commission shall make an annual report to the governor which the secretary of state shall cause to be printed as a public document and copies of this report shall be filed with each and every governing body in the district under supervision.

[Statutes 1915, p. 1514.]

State Planning Bureau

Pennsylvania

SECTION 1. Be it enacted, etc., That the Secretary of Internal Affairs shall establish in the said Department of Internal Affairs a Bureau of Municipalities. The said bureau shall gather, classify, index, make available, and disseminate data, statistical information, and advice that may be helpful in improving the

methods of administration and municipal development in the several municipalities of the commonwealth; and shall maintain, for the benefit of the municipalities, a publicity service to install or assist in the installation and establishment of modern systems of accounting in the various municipalities of the state, and in order to promote a comprehensive plan or series of plans for the probable future requirements of cities, boroughs, or townships of the commonwealth, either separately or jointly, in respect to a system of traffic thoroughfares and other highways or main highways, transportation of every sort, suitably co-ordinated sites for public buildings, parks, parkways, playgrounds, and other public uses, the preservation of natural and historic features, and any and all public improvements tending to the advantage of municipalities or townships affected, tending to their advantage as a place of business and residence, and to either make or secure or assist in making or securing the necessary surveys, plans, and information.

SEC. 2. The Secretary of Internal Affairs is hereby authorized to employ a Chief of Bureau of Municipalities, who, in his judgment shall be qualified to perform the duties herein described. He is also authorized to employ such engineering, accounting, clerical, stenographic, and other expert service, relating to the gathering of information, its distribution and publication and other duties incident to the purpose of the bureau, or transfer to such duties in this bureau as he may find advisable the work and services of other bureaus or of others employed in the Department. The salaries of the employees appointed under the provisions of this act shall be fixed by the Secretary of Internal Affairs, and shall be paid from the funds appropriated to the said Department of Internal Affairs.

SEC. 3. It is hereby made the duty of every city, borough, township, or county official, to furnish such information as may be requested by the Chief of the Bureau of Municipalities or his duly authorized deputy.

SEC. 4. The act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and eighty-nine), entitled "An act creating a division of Municipal Statistics and Information in the Department of Labor and Industry, and fixing the compensation of officers and employes therein," as amended by the act of July nineteenth, nineteen hundred and seventeen (Pamphlet Laws, one

thousand one hundred and eleven), is hereby repealed.

SEC. 5. This act shall become effective on the sixth day of May, Anno Domini nineteen hundred and nineteen.

Approved the 4th day of April, A. D. 1919.
[Laws 1919, No. 34.]

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